



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENTHI

Cr1.O.P.No.25895 of 2021

Bharathidhasan

... Petitioner

Versus

State represented by
The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
(Crime No.1600 of 2021)

...Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest by the respondent police, pending investigation of the case in Crime No.1600 of 2021 on the file of the Respondent.

For Petitioner : Mr.M.Vijayaragavan

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 324, 506(ii) of IPC, in Crime No.1600 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 08.12.2021 at about 09.30 p.m., due to previous enmity, when the defacto complainant sitting nearby Pamani riverbed steps, the petitioner picked up quarrel with him, scolded him in filthy language, attacked him with beer bottle and also threatened him with dire consequences. In the said circumstances, the criminal case has been registered against the petitioner. Now apprehending arrest, the present petition has been filed by the petitioner.



3. The learned counsel appearing for the petitioner submitted that earlier, the petitioner was attacked by the defacto complainant, and he has given a complaint, which was registered in Crime No.1601 of 2021, as a counterblast, the present complaint has been filed. He would submit that he is an innocent person, he is no way connected with the offence as alleged in the complaint and he has been falsely implicated in this case. Hence, he pray to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that due to a wordy quarrel, the petitioner assaulted the defacto complainant with beer bottle, thereby, he has caused grievous injury. Due to which, there are 4 stitches on his head and he was discharged from the hospital. He would submit that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the fact that on the date of occurrence, due to a wordy quarrel between the parties, thereby the petitioner said to have assaulted the defacto complainant with beer bottle, the injured person discharged from the hospital and no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions.

6. Accordingly, this Criminal Original Petition is allowed. The petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruthuraipoondi on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police daily at 10.30 a.m. for the period of three weeks.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.



[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

29/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
TRUTHURAIPOONDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT.[FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TRUTHURAIPOONDI POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. M.VIJAYA RAGAVAN Advocate on payment of necessary charges

CRL OP.25895/2021

Date :29/12/2021

RW 04/01/2022